



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,374	12/31/2003	Patrick W. Smith	61882.00011	4893
49754	7590	08/22/2006	EXAMINER	
TASER INTERNATIONAL, INC. 17800 N. 85TH STREET SCOTTSDALE, AZ 85255-9603			KITOV, ZEEV V	
			ART UNIT	PAPER NUMBER
			2836	

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/750,374	SMITH ET AL.	
	Examiner	Art Unit	
	Zeev Kitov	2836	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 18 is/are pending in the application.
- 4a) Of the above claim(s) 9 - 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/31/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restriction

Applicant's election of Claims 1 - 8 in the reply filed on May 18, 2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Specification

Specification is objected to due to a following matter. In paragraph [0046] the Application recites following: "The initial voltage may correspond to a stimulus peak voltage (SPV) as in FIG. 3 (**e.g., at about a skeletal muscle nerve action potential**). The SPV may be essentially the initial voltage for a fast rise time waveform. The SPV following ionization may be from about 3 Kvolts to about 6 Kvolts, preferably about 5 Kvolts. The SPV without ionization may be from about 100 to about 600 volts, preferably from about 350 volts to about 500 volts, most preferably about 400 volts".

Examiner has been surprised to learn that the skeletal muscle nerve action potential, which according to the Specification is about a level of SPV, is estimated in hundreds or thousands volts. Clarification of the matter or correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 4 and 6 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. A reason for that is that both claims recite a pulse having a peak voltage less than an ionization potential. However, the ionization potential value is not known and is hard to estimate. The Specification recites range of tens and hundreds of kilovolts ([0043] and Fig. 3). In accordance with the Specification and for purpose of examination, the peak voltages values have been interpreted as having values lower than 1000 volts.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, and 6 - 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Ragner (5,698,815). Regarding Claim 1, Ragner discloses an electronic disabling device implementing a step of providing the stimulus signal in accordance with a strike stage, i.e. pulses with a voltage lower than 1000 V (Fig. 4, col. 12, lines 5 – 18 and col.

Art Unit: 2836

4, lines 61 – 65); a step of providing the stimulus signal in accordance with a hold stage, i.e. few defibrillation pulses (Fig. 4, col. 12, lines 18 – 25), and a step of providing the stimulus signal in accordance with a rest stage, i.e. providing no stimulus. According to Specification [0056], the rest stage may include no stimulus signal.

Regarding Claim 2, Ragner discloses the strike stage having a first repetition rate of 12 pulses per second (Fig. 4, col. 12, lines 26 – 33) and the second repetition rate is lower than the first repetition rate (shown in Fig. 4).

Regarding Claims 4, 6 and 7, Ragner discloses the stimulus signal during the strike stage having a peak voltage lower than 1000 volts (col. 4, lines 57 – 65), repetition rate of 12 pulses per second (Fig. 4, col. 12, lines 26 – 33) and delivering a charge in the range from 0 to 500 micro-coulombs (col. 4, lines 57 – 65).

Regarding Claim 8, Ragner discloses reversing the polarity of consecutive pulses in the series (shown in Fig. 4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ragner in view of Brastow et al. (US 4,388,513). Claims 3 and 5 differ from Claim 1 rejected above by their limitations of applying the high voltage pulse followed by the


Art Unit: 2836

lower voltage and lower charge pulse. Brastow et al. disclose the system of treating the matter, which includes application of high voltage potential to the matter followed by the pulse of the lower voltage (col. 8, lines 49 – 55). The reference has the same problem solving area, namely treating the matter with pulses of variable amplitude applied in two pulse trains. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the Ragner solution by applying first pulse train of higher voltage pulses followed by second pulse train of lower (normal) voltage pulses according to teachings of Brastow et al., because as Brastow et al. state (col. 8, lines 49 – 55), the first pulse train is necessary to ionize the atmosphere between the electrode and the matter.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zeev Kitov whose current telephone number is (571) 272 - 2052. The examiner can normally be reached on 8:00 – 4:30. If attempts to reach examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (571) 272 – 2800, Ext. 36. The fax phone number for organization where this application or proceedings is assigned is (571) 273-8300 for all communications.

Z.K.
7/23/2006


BRIAN SIRCUS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

Application/Control Number: 10/750,374
Art Unit: 2836

Page 6